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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,932	04/15/2004	Ludovic Ruat	01RO12854443	7552
27975 7590 05/02/2008 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
			EXAMINER DSOUZA, JOSEPH FRANCIS A	
			ART UNIT 2611	PAPER NUMBER
			NOTIFICATION DATE 05/02/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

### Office Action Summary

**Application No.**

10/824,932

**Applicant(s)**

RUAT ET AL.

**Examiner**

ADOLF DSOUZA

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) 7, 16 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 10, 18 have been considered but are moot in view of the new ground(s) of rejection.

Argument: Applicant amended independent claims 1, 10 and 18 to state there are now two operating modes and argued that the prior art did not disclose that.

Response: Examiner is using Gulick and Hong to address the new limitations, as discussed below.

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1- 6, 8 – 9, 10 – 15, 17, 18 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulick et al. (US 4,907,225) in view of Applicant Admitted Prior

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Art (hereafter referred to as AAPA) and further in view of Sexton et al. (US 5,072,374) and Hong et al. (US 6,091,737).

Regarding claim 1, Gulick discloses an asynchronous frame receiver (Abstract; column 2, lines 59 – 68; column 3, lines 15 – 17) comprising:

an input to receive asynchronous frames comprising standard characters, and a header comprising a break character with a data bit length greater than a data bit length of the standard characters;

a break character detection unit to detect the break character (column 3, lines 15 – 17; Fig. 21, element 412 break checker; column 37, lines 30 - 33 );

a standard character processing unit to detect the standard characters (column 35, lines 10 – 52; column 38, lines 21 – 34);

a first operating mode where only the standard character processing unit is to operate (column 37, lines 30 – 33; wherein the break character detection does not take place in the synchronous mode);

and a second operating mode where said break character detection unit to activate said standard character processing unit after the character break has been detected (column 35, lines 10 – 52; column 38, lines 21 – 34).

Gulick does not explicitly disclose an input for receiving asynchronous frames comprising standard characters, and a header comprising a break character with a data

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bit length greater than a data bit length of the standard characters and that the break character detection unit comprises a first state machine, and the standard character processing unit comprises a second state machine.

In the same field of endeavor, however, AAPA discloses an input for receiving asynchronous frames comprising standard characters, and a header comprising a break character (Applicant's Prior Art Figure 1; wherein the header is the BRK + SYNC section of the frame).

Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the method, as taught by AAPA, in the system of Gulick because this would allow the UART to conform to the specification of the LIN protocol, as disclosed by the AAPA (Specification, page 2, paragraph 5).

In the same field of endeavor, however, Sexton discloses a header comprising a break character with a data bit length greater than a data bit length of the standard characters (column 3, lines 27 – 31).

Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the method, as taught by Sexton, in the system of Gulick because this would allow the UART to conform to the specification of the communication protocol, so that it could communicate properly with other devices.

In the same field of endeavor, however, Hong discloses the break character detection unit comprises a first state machine, and the standard character processing unit comprises a second state machine (Fig. 22, element 198, 202; column 38, lines 1 – 41; wherein the break character detection function is performed by the part of the state machine 198 and the standard character processing function is performed by the different part of the state machine 202). Though Hong discloses elements 198 and 202 in a single state machine, one of ordinary skill in the art can easily separate the two elements into two separate state machines to allow the break characters to be detected first and then the standard characters. As per MPEP 2144.04 (section V, Item C), separating parts of prior art to obtain the same functionality is not considered patentable. Further, since the break character detection is not operable in the first operating mode, one of ordinary skill in the art can easily not use the break character state machine and use only the standard character state machine.

Therefore it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the method, as taught by Hong, in the system of Gulick because this would allow the break characters to be detected first and then the standard characters.

Regarding claim 2, Gulick discloses a selection circuit for selecting a first operating mode in which said break character detection unit is deactivated, or a second operating mode in which said break character detection unit is active and controls said standard character processing unit (column 3, lines 15 – 29; column 37, lines 30 – 33; wherein

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since the break detection is performed in asynchronous mode, selection of asynchronous or synchronous mode is equivalents to activating or deactivating the break character detection unit).

Regarding claim 3, Gulick discloses break character detection unit detects a break character formed of bits having a same value (column 38, lines 21 – 24; wherein the same values is interpreted as the all ZEROS that are transmitted).

Regarding claim 4, Gulick discloses the asynchronous frames comprise a synchronization character, and wherein said break character detection unit detects the synchronization character (column 10, lines 30 – 37; column 19, line 42 – column 20, line 2; wherein the synchronization character is interpreted as the SFS signal and the break character detection unit detecting the synchronization character is done by when the first 8 bits of the frame are located).

Regarding claim 5, Gulick discloses a self-synchronization circuit for synchronizing a local clock signal of the receiver with a reference clock signal in the synchronization character (column 41, line 65 – column 42, line 13; wherein synchronizing the local clock to the reference clock is interpreted as host request signal being synchronized with the local clock signal).

Regarding claim 6, Gulick discloses said self-synchronization circuit is activated by said break character detection unit (column 10, lines 30 – 37; column 19, line 42 – column 20, line 2; column 41, line 65 – column 42, line 13; wherein the activation of the self-synchronization circuit is interpreted as being done by the HREQ signal).

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Regarding claim 8 , Gulick discloses selection circuit comprises a register for storing a mode bit (column 3, line 15 - 21)

Regarding claim 9 , Gulick discloses a substrate, and wherein said break character detection unit and said standard character processing unit are on said substrate so that the receiver comprises an integrated circuit (column 2, lines 41 – 58; wherein break character detection unit and the standard character processing unit on an integrated circuit is interpreted as the controller being on a single integrate circuit).

Claim 10 – 15, 17 are similarly analyzed as claims 1 – 6, 8 respectively.

Claims 18 - 23 are directed to method/steps of the same subject matter claimed in apparatus claims 1 - 6 respectively and therefore, are rejected as explained in the rejections of claims 1 - 6 above.

#### ***Other Prior Art Cited***

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

The following patents are cited to further show the state of the art with respect to asynchronous operation of UARTS:

Kinch (US 4,079,188) discloses use a multi-mode digital enciphering system.

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Carosso (US 4,749,989) discloses a word processing composite character processing method.

Wadsworth et al. (US 6,067,407) discloses a remote diagnosis of network device over a local area network.

Hong (US 6,091,737) discloses a remote communications server system.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADOLF DSOUZA whose telephone number is (571)272-1043. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
Art Unit 2611

AD

/David C. Payne/

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Supervisory Patent Examiner, Art Unit 2611